



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2301691

Applicant Name: Cingular Wireless

Address of Proposal: 120 Crocket Street

SUMMARY OF PROPOSED ACTION

Master Use Permit (MUP) to establish use for future construction of a minor communication utility (Cingular Wireless) consisting of six panel antennas on the roof of an existing assisted living facility (Queen Anne Manor). Project includes equipment cabinet also to be located on the rooftop.

The following approvals are required:

Administrative Conditional Use Review - to allow a minor communication utility in a Multi-Family Residential Lowrise 2 Zone pursuant to Seattle Municipal Code (SMC) 23.57.011B.

SEPA - Environmental Determination pursuant to SMC 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The subject property, which is developed with a large and distinguished apartment building, runs from Boston to Crockett Street along Warren Avenue North. It is zoned L2, as are the properties to the west and across the streets to the north and east. The properties to the north and east are developed with a mixture of single family and multifamily residences. The property to the west is developed with an office building. To the south, single family zoning and development prevails.

Proposal Description

The applicant is proposing a rooftop installation of 3 sectors of antennas, with two antennas per sector (6 total). Plans have been revised to show all antennas located outside required setbacks. The proposed rooftop minor communication utility installations would be screened. All of this would be happening about 65 feet above existing grade, the minimum height necessary above the existing 57-foot high roof surface. The height limit for the L-2 zone is twenty-five (25) feet above grade, with an exception for minor communication utilities and accessory communication devices permitted to extend a maximum additional height of fifteen (15) feet, unless Administrative Conditional Use approval is granted for greater height.

Public Comment

The public comment period for this project ended May 21, 2003. DPD received one comment letter during the comment period—opposing the proposal based on health impacts and feared interference with electronic equipment.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise 2 zone as an Administrative Conditional Use when they meet the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

According to the plans, the antennas will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The antennas will be fully screened from any viewed direction for their full height. Some views from neighboring residential structures may be altered by the presence of the facility. The applicant has provided photographic simulated evidence suggesting that the visual intrusions would be minor. Project approval has been conditioned to ensure that screening is installed and maintained per plan.

The proposed minor communication utility is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the panel antennas are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely know the facility exists, in terms of its land use, once it is constructed, and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and the walls of the equipment room will shield any noise associated with the equipment, and no residential dwelling units are displaced.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

According to the plans submitted, the proposed height of the antennas will be fully screened from view and as inconspicuous as possible, within the parameters of the SMC, while remaining functionally effective. Therefore, the proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
 - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposed height of the minor communication utility is approximately 8 feet above the rooftop, with a total height of approximately 65 feet¹. Documentation within the MUP file, provided by the applicant, demonstrates the need for the requested height is the minimum necessary for the effective functioning of the minor communication utility; the proposal complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

¹ The height in the L-2 zone is twenty-five (25) feet.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **CONDITIONALLY APPROVED** as noted below.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 27, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

Short-Term Impacts

No adverse impacts rising to a level warranting mitigation are anticipated.

Long-term Impacts

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public health.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030 (2) (c).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (c).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

Prior to final approval and for the life of the project:

1. Screening shall be integrated with the architectural design - materials, shape and color shall be consistent with the current exterior of the building, and shall be maintained per plan.

SEPA CONDITIONS

None.

Signature: (signature on file) Date: March 11, 2004
Paul M. Janos, Land Use Planner
Department of Planning and Development